

HOUSE BILL 539

By Jernigan

AN ACT to amend Tennessee Code Annotated, Title 63  
and Title 68, relative to cytomegalovirus.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 5, Part 1, is amended by adding the following as a new section to be appropriately designated:

(a) As used in this section, "CMV" means cytomegalovirus.

(b) A healthcare provider, as defined by § 63-6-703, who assumes responsibility for the prenatal care of pregnant women during gestation or women who may become pregnant, shall inform those women regarding:

(1) The incidence of CMV;

(2) The transmission of CMV to pregnant women and women who may become pregnant;

(3) Birth defects caused by congenital CMV;

(4) Methods of diagnosing congenital CMV; and

(5) Available preventative measures.

(c) If a newborn infant fails the newborn hearing screening pursuant to § 68-5-903, a healthcare provider shall:

(1) Test the newborn for CMV before the newborn is twenty-one (21) days of age, unless a parent of the newborn infant objects; and

(2) Provide to the parents of the newborn infant information regarding:

(A) Birth defects caused by congenital CMV; and

(B) Available methods of treatment.

(d)

(1) Nothing in this section shall be construed to create or impose liability for failing to comply with the requirements of this section.

(2) Nothing in this section shall be deemed to create a duty of care or other legal obligation beyond the duty to provide notice as set forth in this section.

SECTION 2. Tennessee Code Annotated, Section 68-5-903, is amended by adding the following language at the end of the section:

A newborn who fails the screening shall be referred for screening in accordance with Section 1 of this act.

SECTION 3. This section shall become effective July 1, 2015, the public welfare requiring it.